

Filed

MAR 12 2003

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF THE LICENSE OF
DEBBIE DULANEY
LICENSE NO. 23-018896-091

CASE NO. 02-155-9

DEFAULT ORDER REVOKING LICENSE

NOW ON THIS 5th day of March, 2003, petitioner appears by disciplinary counsel, Alma Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed through 9/30/2003 as an L.P.N. The Board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking license.
4. The petitioner's request is granted by default.
5. Respondent has violated the Kansas Nurse Practice Act as follows;
 1. K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol,
 2. K.S.A. 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust....
 3. K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

6. Costs of the action of \$70.00 are assessed to respondent to be paid to the Board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall forward original Kansas L.P.N. license no. 23-018896-091 immediately to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.


IT IS SO ORDERED.



Terry E. Beck, Hearing Officer

NOTICE

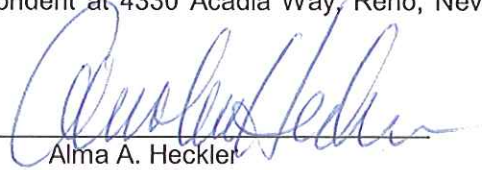
This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the Board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler
Assistant Attorney General
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 12th day of March, 2003, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 4330 Acadia Way, Reno, Nevada 89502.

A handwritten signature in blue ink, appearing to read "Alma A. Heckler", is written over a horizontal line.

Alma A. Heckler

BEFORE THE KANSAS STATE BOARD OF NURSING JAN 24 2003Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

Board of Nursing

In The Matter Of
DEBBIE DULANEY
LICENSE NO. 23-018896-091**CASE NO. 02-155-9****PETITION**

COMES NOW the petitioner, the Board of Nursing, by and through disciplinary counsel, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas as an L.P.N. through 9/30/2003.
2. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew licenses for duly qualified applicants and may limit, deny, suspend, or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.
3. After an investigation, the Board found reasonable grounds for believing that respondent violated K.S.A.65-1120(a) and referred the matter for further proceedings.

FACTS COMMON TO ALL COUNTS

4. Respondent was referred to KNAP on 10/8/01 by her employer, Geary County Community Hospital in Junction City, Kansas. She had been employed at the facility for seven (7) years. Respondent was taken to her employer's ER for a drug and alcohol overdose (Phenergan, Restoril, Antivert and beer). Respondent was transferred to a psychiatric unit due to concerns that the overdose was a suicide attempt. Respondent was required to complete treatment before being allowed to return to work. Respondent relapsed on 2/16/2002 when she was arrested for a DUI. She was convicted on 3/28/2002 and was required to complete in-patient treatment. The conviction was her second DUI offense. She was ordered to complete in-patient treatment and to return to court on 5/15/02 when she was placed on parole. The conditions of her parole were random testing of urine/blood/breath, AA attendance at least twice

weekly and show proof of attendance for six (6) months and payment of all fines. On 6/18/02, KNAP closed the respondent's case for non-compliance, failure to follow through with the recommendations of the half-way house and because the respondent indicated that she had moved to Reno, Nevada and stated to KNAP that she intended to inactivate her Kansas nursing license.

5. Respondent has since indicated that she has no intention of inactivating her Kansas license, even though she no longer lives in the state of Kansas. Nor has she applied for a license in the state of Nevada, as of January 24, 2003.

COUNTS

Respondent has violated the Kansas Nurse Practice Act as follows;

1. K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol,

2. K.S.A. 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust....

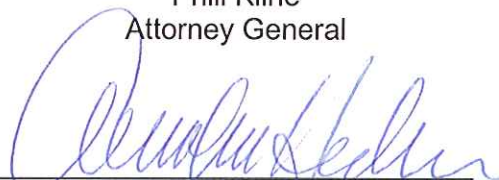
3. K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

WHEREFORE, petitioner requests that the respondent's license be revoked or suspended and for \$70.00 costs to be assessed to respondent.

Respectfully submitted,

Phill Kline
Attorney General

By: _____



Alma A. Heckler
Assistant Attorney General
Board of Nursing
785-296-4325